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1 September 1970

MEMORANDUM FOR: Deputy Director for Plans
Deputy Director for Intelligence
Deputy Director for Support
Deputy Director for Science & Technology
General Counsel

SUBJECT : Amendment to Military Procurement Authorization
Bill (H. R. 17123)

1. On Friday the Senate approved a modified version of an amendment by Senator Fulbright which provides a statutory basis for requiring the Director or any other agency head to supply four designated committees (Senate Foreign Relations; House Foreign Affairs; Senate and House Armed Services) any report, study, or investigation financed in whole or in part with Federal funds and made by a person outside the Federal Government. The right of executive privilege exercised by the President is specifically recognized in the amendment as a basis for refusing to comply with a committee request.
2. The language of the amendment is on page S.14571 of the attached extract from the Congressional Record. The floor discussion preceding its adoption provides the context in which the amendment was proposed, explained, modified, and adopted.
3. Taken literally the amendment could be cited as applying to such things as a report from a foreign intelligence service or any other source, regardless of sensitivity, as long as the source was "outside the Federal Government" and Federal funds were involved.
4. The views of the addressees on this amendment are requested with specific illustration of its adverse impact so that an Agency position can be arrived at before the matter is settled in Conference Committee. The Conference Committee will probably be convened shortly after Congress returns on 9 September.

JOHN M. MAURY
Legislative Counsel

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by the end of next year is specifically recognized in the language of the amendment as a reflection of the President's own statements. Unless the President wishes to deviate from this withdrawal policy, there are compelling reasons why he should welcome a congressional reaffirmation of it.

The President has, to be sure, opposed past efforts to set a date for the windup of the Vietnamese affair. He has feared that the fixing of a date would take pressure off the North Vietnamese to negotiate an end of the war. But if Congress fixes a date which the President could postpone or even eliminate with the consent of Congress, when the time came, the North Vietnamese would, as the Foreign Relations staff memorandum notes, have no assurance that mere stalling would redound to their advantage.

In any event, it seems to us that the advantages of having a congressional withdrawal policy on the books greatly outweigh any disadvantages that might be encountered at the negotiating table. Such legislation would put the President under pressure to carry out the evacuation at the earliest feasible date. It would put our military leaders—and our diplomats, as well—on notice that the national policy is irreversible. Saigon also would have a clearer understanding of what the score is and would be able to adjust its policies accordingly. So long as there is hope that the President may change his mind under pressure the Thieu government is more likely to avoid the hard decisions that are essential to a future for South Vietnam without American manpower for its defense.

Behind all the arguments for and against this amendment is the even more vital fact that the Senate is making a bid to get back into the policy-making arena in regard to war and peace. We think the President should welcome that effort as a bed-rock imperative of American democracy. If the present amendment is not satisfactory to the administration in all particulars, amendments can always be suggested. But it would be tragically shortsighted for the administration to take an arbitrary stand against congressional action designed to underscore and give congressional support for the President's own policy. Orderly termination of the war as soon as feasible ought to be the joint policy of the two political branches, and it is doubtful that there will be a better opportunity than the present to make it so.

Mr. MONDALE. Mr. President, the debate we begin today marks a singular moment in the history of the Senate.

As so often when decisions in this Chamber are most grave, the issue itself is most clear. The Hatfield-McGovern amendment represents, as many of my distinguished colleagues have pointed out, a reassertion of congressional authority in the fateful choices of war and peace—a reassertion so plainly required by the Constitution and so long overdue.

But beyond the momentous question of the balance of powers in our Government, the purpose of this amendment is still more simple and fundamental.

My colleagues and I rise today to stop at last the killing and maiming of Americans in Vietnam.

The historic merit of this amendment, Mr. President, is the unmistakable message it would carry from the Congress to the Nation and the world.

To the American people, unanimous in their yearning for peace, it would affirm that the years of illusion and misdirection and terrible sacrifice in this war are finally coming to an end.

It would express that large measure

of the public will, particularly among our young, for a rapid and total withdrawal of U.S. forces.

Moreover, it is a special strength of the present amendment that it has been expanded to meet also the deep and legitimate concern of many Americans that withdrawal could mean the exposure of our dwindling forces to enemy attack. There can be no real argument that this legislation somehow ties the President's hands in defending our men in Vietnam. On the contrary, by providing the President explicit authority to defend our forces as he judges necessary to secure our withdrawal, this amendment would bring our men home safely and honorably as well as soon.

I should point out in particular, Mr. President, that the amendment also provides full authority to the President to do all he can to secure the release of our prisoners of war in North and South Vietnam. The barbaric treatment of those men and the anguish of their loved ones here at home is an enormous tragedy of this war. The Hatfield-McGovern amendment recognizes the constant obligation of the Congress as well as the Executive to work toward the liberation of our men as rapidly as possible.

Yet this act of Congress would speak not only to the hopes of America. Its message would be equally clear to friend and foe in Vietnam.

To South Vietnam, whose responsibilities we have borne too long, we would be serving fair notice that finally—after the hollow rhetoric of two administrations—Asian boys are indeed going to have to fight Asian wars.

The lessons of the last 16 years are vivid. Nations—much as men—are stifled by patronage and strengthened by challenge. If the Army of Vietnam is to be truly effective, if the democratic elements of the country are ever to pull themselves together, if an independent nation is in fact to be built in South Vietnam, the best incentive we can provide is to sure knowledge that the time has come for them to shoulder the primary responsibility of their own defense.

To Hanoi, this amendment also conveys a challenge and an incentive which might well be decisive in reaching a negotiated settlement.

For months, the North Vietnamese and their supporters have been telling us that the first imperative of successful negotiations, and the key to departure of their own troops from South Vietnam, would be a specific commitment to the withdrawal of U.S. forces. This amendment calls that hand for all the world to see.

Nor can Hanoi find ready advantage in this amendment for their own position on the ground. To lie and wait insures them nothing when the President, with consent of the Congress, can adjust our withdrawal to meet any contingency. And how confidently can Hanoi ignore a settlement now when the notice of our withdrawal is likely to galvanize the non-Communist forces of South Vietnam as never before? The shrewd men in Hanoi could well conclude that the price of a settlement today would be less than what they might pay for the risky months of waiting.

The administration has often argued that uncertainty is the greatest strength of its policy—and that this amendment will eliminate that tactic.

Indeed it will, Mr. President, and that is perhaps the ultimate virtue of the amendment. For the cost of calculated obscurity in our Vietnam policy has been far too high.

A Hanoi uncertain of our objectives has been intransigent at the conference table and unremitting on the battlefields.

A Saigon uncertain of our policy has been slow to gather the strength, as it must, to stand on its own feet.

And most important, an America uncertain of our course has been as tragically and dangerously divided as at any moment since the Civil War.

President Nixon has told us again and again that the heart of the matter is not whether we end this war, but how we end it.

And that is true. We have a clear choice of paths to follow.

We can continue the equivocation which passes for diplomacy, the improvisation which passes for a plan, the bluff and lashing out—as in Cambodia—which passes for strength and manly purpose.

Or we can make good on the pledge for peace we all avow. We can undertake a truly national policy to end this war.

That alone will speed the return of our men held prisoners.

That alone will flush out an elusive enemy.

That alone will insure our accomplishments in Vietnam.

That alone will redeem the pledge made by President Nixon in his campaign to bring America together.

So what we are about in this legislation, Mr. President is nothing less than a test of the long-professed commitment of the Congress and Executive alike.

We face the choice squarely. The Senate can share with the President the awesome burden of making peace with Vietnam and ourselves. Or we can spurn once more our constitutional obligation.

No more fateful choice has confronted the Members of this body.

AMENDMENT NO. 814

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to call up my amendment No. 814.

The PRESIDING OFFICER. Without objection, the amendment will be stated.

The assistant legislative clerk read the proposed amendment, as follows:

On page 14, between lines 18 and 19, insert the following:

Sec. 206. (a) Notwithstanding any other provision of law, beginning with the fiscal year beginning July 1, 1971, no funds appropriated to or for the use of the Department of Defense for any fiscal year may be expended for carrying out research or study projects involving foreign affairs, foreign areas, or related matters except to the extent that the total amount expended for such purposes in such fiscal year does not exceed an amount equal to the total amount expended by the Department of State in the immediately preceding fiscal year for research and study projects (involving foreign affairs, foreign areas, or related matters) which were conducted for the Department of State by outside such Department. The total amount expended by the Department of State in any fiscal year

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for such projects shall include amounts transferred to the Department of State from other departments and agencies for the purpose of having such projects carried out under the direction of the Department of State.

(b) The head of any department or agency of the Federal Government shall, in response to any request made to him in writing by a committee of the Congress, promptly submit to such committee a copy of any report, study, or investigation requested by such committee if the report, study, or investigation was financed in whole or in part with Federal funds and was made by a person outside the Federal Government, except that this requirement shall not apply in the case of any report, study, or investigation with respect to which the President exercises the right of executive privilege.

Mr. FULBRIGHT. Mr. President, it is a simple amendment and I hope that the managers of the bill will accept it. The amendment would:

First. Limit the Defense Department's spending for research by outside organizations on foreign affairs matters to not more than the amount appropriated, or transferred by other agencies, to the Department of State in the preceding fiscal year for such research; and

Second. Insure that congressional committees are given access to Government-financed research studies carried out by private individuals or organizations unless "executive privilege" is invoked.

In the last fiscal year the Department of Defense spent \$9 million for outside research on foreign affairs matters, 72 times the \$125,000 appropriated to the Department of State for its entire external research program, including contracts, consultants, and conferences.

In its report on the Defense authorization bill last year, the Senate Armed Services Committee wisely urged that \$4 million of Defense funds for research on foreign affairs matters be transferred to other Government agencies, particularly the Department of State. In doing so the committee stated that:

Defense Department activities in these two categories ("foreign military security environments" and "policy planning studies") have grown up to fill a void caused by lack of information in this area available from agencies which may be more directly responsible.

But the Defense Department's response to the committee's directive was to transfer only \$483,000 of its \$9 million budget to the State Department in fiscal 1970. And that came about only last June, as the fiscal year was ending, in an obvious attempt to show that it had not ignored the Committee's request entirely.

The situation is little better this fiscal year. The Defense Department's budget request for foreign affairs research is \$9.9 million. And the State Department's request for external research is \$350,000—of which only \$241,000 is slated for contract research. The Armed Services Committee is to be commended for recommending a 30-percent reduction in the Defense request—to \$6.8 million. But this cut will still leave a situation where the military is spending nearly 20 times as much on foreign affairs research as the agency assigned the primary responsibility for conduct of the Nation's foreign policy.

For the information of the Senate let me list a few of the titles of foreign affairs research projects carried out by the Defense Department in fiscal year 1970 which are proposed for continued funding in fiscal year 1971. Unfortunately the amounts planned for fiscal year 1971 are classified but I can assure the Senate that they are substantial:

FISCAL YEAR 1970—TITLE AND AMOUNTS

Strategic Analysis of North Africa, Middle East, and South Asia, \$139,000.

U.S., U.S.S.R., CPR Strategic Interactions and Response Patterns, \$325,000.

Soviet Military Policy, \$255,000.

European Security Issues, \$76,000.

Asian Security Issues, \$312,000.

Dimensions of International Conflict for Long Term Prediction, \$200,000.

World Event/Interaction Survey for Short Term Conflict Prediction, \$112,000.

Forecasting International Defense Alliances and Alignments, \$100,000.

Asian Regional Arrangements, and so forth, \$325,000.

Base Studies, and so forth, \$400,000.

My amendment would limit the Department of Defense's spending for foreign affairs research, such as these projects, to not more than that spent by the Department of State in the last fiscal year for external research of this nature, including its own funds and any funds transferred to State by the Department of Defense or other Government agencies. It would not only encourage Defense to transfer additional research funds to the State Department, as the committee has urged, but it would also give the State Department leverage for obtaining additional allocations during the budgetmaking process. In explaining the committee's 30-percent reduction in this activity to the Senate, Senator MCINTYRE stressed the need for transferring responsibility for this research to State. He said:

It is the Committee's expectation that its action this year will underscore the need for additional such steps both within the State and Defense Department themselves and at the Bureau of the Budget.

My amendment will help to carry out the committee's intent.

Although the amount of money involved here is dwarfed by the size of other authorizations in this bill, the principle involved is important. Over the years the Department of Defense has moved into this and many other areas which are the proper responsibility of the State Department solely because it, and not the State Department, could get the money from the Congress. This amendment will help restore the proper relationship between the responsibilities of the two Departments and insure that requests for financing this type of research will be given closer scrutiny than has been the case in the past.

The second part of the amendment would require Government agencies to make available to congressional committees

sure that the Congress is given access to research studies performed by the so-called think tanks, the universities, or individuals whose work is paid for by the taxpayers. The amendment recognizes the right of the President to withhold "privileged" information from the Congress, and it also specifies that the mandate applies only to work performed outside the Government.

This amendment is the outgrowth of many efforts by the Committee on Foreign Relations to obtain a study prepared by the Institute for Defense Analysis relating to the 1964 Gulf of Tonkin incident. It is my understanding that the study contains a review of what happened in the Gulf of Tonkin, how communications were handled, and in general how decisions were made. The purpose of the study, I was informed, was to determine what lessons could be learned for future crisis situations. I think that my colleagues will agree that there is much that all of us can learn from that incident and its aftermath. The committee has attempted a number of times to obtain this study from the Department of Defense, but has been refused each time.

The Institute for Defense Analysis receives virtually all its funds from the Department of Defense. In the 1970 fiscal year this organization received \$10,130,000 from the Department of Defense and the Department proposes to give them \$10,650,000 in 1971.

I believe that the Congress, which imposes the taxes on the public to finance this organization, and which authorizes and appropriates the money for it, should have the right to see how that money is being spent. The issue here is far more important than this one study—it is a question of whether the Congress has the power to obtain information, prepared outside the Government with tax money, for which no claim of executive privilege has been made.

The Senate is beginning to reassert its Constitutional prerogatives and to restore the proper balance to our political system. Passage of this amendment will be one small, but positive, step in that direction.

Mr. President, I recognize that these practices have grown up over the past several years during a period of wartime. I sincerely hope that we are beginning to wind down the war and that before too long we will return to a period of more normal civilian control and participation—especially participation by Congress—in decisions involving our national security.

I hope that this amendment will be accepted by the distinguished Senator from New Hampshire. He has been very cooperative on this matter, last year, and this year.

Mr. MCINTYRE. Mr. President, in discussing the amendment offered by my good friend, the Senator from Arkansas, I would like first to address myself to that part of amendment No. 814 which is labeled section 206(a).

Mr. President, I have listened with interest to the remarks of my distinguished colleague from Arkansas (Mr. FULBRIGHT). I must admit in all candor that I share his commitment to an increased

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role for the State Department in foreign area research, an endeavor in which it has lagged almost to the point of delinquency.

Let me review briefly the action which the Armed Services Committee has taken in the past 2 years in this foreign research area to reduce DOD's role and increase State's.

The Defense Department's foreign area research program has always represented only a small part of its work on the behavioral and social sciences. The great bulk of its effort has been expended in the areas of: first, human performance—studies of the performance of men under stress; second, manpower selection and training—studies of the best methods for training men for various positions in the Armed Forces; and third, human factors engineering—studies to insure that military hardware is designed for safe, efficient, and effective use under battlefield conditions. The foreign area research budget of the Department is itself divided into two components—foreign military security environments and policy planning studies. Mr. President, as background to my discussion, I ask unanimous consent to have printed in the Record at the conclusion of my remarks a table of Department of Defense funding of social and behavioral science research for fiscal years 1969-71.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

MR. MCINTYRE. Mr. President, last year the Department's foreign area research budget request was \$13.3 million. The committee recommended a reduction of \$1.5 million and coupled this reduction with the following language in the committee report:

The Committee believes measures should be taken to transfer a number of these efforts to other agencies for future fiscal years and that during the coming fiscal year the management of certain projects of interest to the Department of State, the Arms Control and Disarmament Agency, the National Science Foundation, and other agencies

should be taken over by those agencies, particularly the Department of State. This should be with the understanding that any subsequent requests for funding authority will be made by these other agencies in their future budget presentations which Congress should be prepared to consider carefully in light of this suggested change. The Department of Defense should actively seek agreements for transferring approximately \$4 million of . . . fiscal 1970 funds (earmarked for foreign area research) to other agencies.

It should be clear to my colleague that the Armed Services Committee intended that the shift from Defense Department support to other agency support be accomplished in an expeditious but orderly manner.

However, as the result of a successful floor amendment introduced by the Senator from Arkansas last year, the Department's program was subsequently reduced another \$2.8 million, from \$11.8 million to \$9.0 million. One effect of this additional reduction was to wipe out almost 70 percent of the funds earmarked by the committee for transfer to other agencies.

Despite this loss of funds, efforts were made by the Defense Department to initiate not a transfer of additional funds to the State Department directly, but the allocation of some funds to a collaborative State-DOD research program. Less than 2 months ago an agreement was finally reached whereby \$483,000 of fiscal 1970 funds were made available for such work.

The fiscal 1971 Defense Department budget included a request of \$9.9 million for foreign area research. In light of the Department's reluctance to approve outright transfers of funds to the State Department and in light of the policy expressed in section 203 of last year's bill, the committee subjected this request to a thorough, almost painstaking examination. As a result of this examination, it recommended a reduction of \$3.1 million—over 30 percent—from the Department's proposed budget, bringing it to a level of \$6.8 million. This

reduction was directed primarily to work in counterinsurgency operations and work proposed by the military services but deemed more appropriate either to the State Department or the International Security Affairs Office of the Department of Defense. The remaining funds are earmarked for projects which, while of interest to the State Department, bear a clear relationship to the Defense Department's own mission. Plans for a jointly-staffed State-DOD foreign area research coordinating committee under National Security Council auspices are well underway. The committee should be established soon, after which funds for those remaining foreign area research projects in DOD's budget which are of interest to State also will be made available to the committee and the projects conducted on a collaborative basis.

I submit that the committee has done all it can in the past 2 years both to eliminate Defense Department involvement in foreign area research not relevant to its own mission and to increase the State Department's participation in this work. I agree that the latter goal has not yet been realized to an appropriate extent, but I feel that future pressures toward this end should be applied not to the Defense Department but to State itself and to the Bureau of the Budget as the agency with overseeing responsibility as regards the composition of State's budget. As for the Defense Department itself, its foreign area research budget has now declined from \$16.1 million in fiscal 1968 to a committee-recommended fiscal 1971 budget of \$6.8 million, an overall reduction of 58 percent.

I would like to ask my colleague, as chairman of the Foreign Relations Committee, what actions he has taken to increase State's own foreign area research budget in recent years, and just what he feels has to be done by the Congress to get State moving in this area?

EXHIBIT NO. 1

BEHAVIORAL AND SOCIAL SCIENCE

[In thousands of dollars]

	Fiscal year 1971					Fiscal year 1971						
	1969	Budget 1970	Actual 1970	Re- quested	Change	Recom- mended	1969	Budget 1970	Actual 1970	Re- quested	Change	Recom- mended
Human performance:												
Army	400	600	500	1,000	-300	700	2,600	2,900	1,900	2,900	-1,300	1,600
Navy	2,400	2,500	1,000	1,000	-----	1,000	300	300	200	200	-----	200
Air Force	500	700	300	200	200	200	1,100	1,100	-----	-----	-----	-----
Defense agencies	3,600	2,500	2,700	2,700	-200	2,500	3,200	2,600	2,600	2,600	-500	2,100
Total	6,900	6,300	4,500	4,900	-500	4,400	7,200	6,900	4,700	5,700	-1,800	3,900
Manpower selection and training:												
Army	5,700	6,100	4,600	5,500	-500	5,000	1,700	1,500	1,100	1,100	-400	700
Navy	9,900	10,800	8,200	9,000	-700	8,300	800	700	600	500	-200	300
Air Force	3,500	5,100	5,200	8,900	-700	8,200	1,900	1,900	1,000	1,000	-300	700
Defense agencies	2,400	3,300	3,400	3,800	-200	3,600	2,000	2,300	1,600	1,600	-400	1,200
Total	21,500	25,300	21,400	27,200	-2,100	25,100	6,400	6,400	4,300	4,200	-1,300	2,900
Human factors engineering:												
Army	1,800	2,100	1,500	1,800	-----	1,800	12,200	13,200	9,600	12,300	-2,500	9,800
Navy	1,200	1,300	900	1,200	-----	1,200	14,600	15,600	10,900	11,900	-900	11,600
Air Force	300	300	200	200	-----	200	7,300	9,100	6,700	10,300	-1,000	9,300
Defense agencies	-----	-----	-----	-----	-----	-----	11,200	10,700	10,300	10,700	-1,300	9,400
Total	3,300	3,700	2,600	3,200	-----	2,600	45,200	45,200	34,200	34,200	-5,700	33,500

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Mr. FULBRIGHT. Mr. President, the only concrete action was the action that the Senator from New Hampshire cooperated in. That was the principal effective agent.

This was one of the reasons I liked that approach. I do not know how to inspire the State Department to assert its responsibility in this area. The State Department has not in recent years had very much influence in the budget process. Matters that are clearly within the State Department, such as the exchange program, have been restrained very severely through the budget and by action of the Appropriations Committee.

As a matter of fact, the Senator knows that all agencies other than the Department of Defense have great difficulty when it comes to getting money.

Mr. MCINTYRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. The State Department has had other pressing budget problems and they have not tried very hard, apparently, to get more money for research. I have counseled that they do so but there have been no effective results.

Mr. MCINTYRE. The Senator just supported the amendment I offered, which is an outgrowth of section 203, which is the application of the relevancy test, which has given us quite a few problems in connection with the defense budget. This amendment is an attempt to bring the National Science Foundation into this picture more clearly as an institution solely devoted to research. When there is budget stringency and a need to cut, the cut is too often at the research end. This amendment points one direction in which we have to go. But there have to be increases, too, in the research budgets of other mission agencies. The State Department is one of these.

It is said the Department of Defense is doing too much in research. The Department of Defense will meet that argument by saying, "Those areas where we are carrying on research may well go to the National Science Foundation and to the State Department, but we think these areas of research are important and should be done, and no one else is now doing them. So we will need the Senator's cooperation, as chairman of the Committee on Foreign Relations, to bring about this reordering of research within the Government today."

Mr. FULBRIGHT. I appreciate what the Senator has said, and I congratulate him on what he has accomplished. Without his efforts it could not have been done.

I do not profess to set myself up as a final judge on what is necessary for the defense of our country in the way of research involving foreign matters, but many of the research activities of the Defense Department, it seems to me, were related to a particular view of the world situation and our role in the world.

To put it another way, much of the research was based on a false assumption as to the need for such studies, for example there were the research projects or counterinsurgencies in countries like Chile.

I thought Project Camelot and other research of this Apparatus for Release of CIA-RDP72-00337R000400110033-7 been financed for two reasons. First, that

it should not have been done by the Department of Defense, and second, that it should not have been done by any agency. It was a frill. If a private institution having nothing to do with its money wanted to do that kind of work, it would be all right, but we should not be paying for this kind of thing with the taxpayers' money.

What we are now talking about is transferring research which I, and the Senator from New Hampshire agree should be done, but not by the Department of Defense.

Mr. MCINTYRE. What I am trying to say to the Senator is that it is not enough for the Senator from Arkansas to take the position that some of the foreign area research by the Department of Defense should not have been done by that Department. That is not enough. The Senator deserves a great deal of credit for his alertness in focusing light on this matter. The Committee on Armed Services has focused attention on this matter.

Mr. FULBRIGHT. The Senator is correct.

Mr. MCINTYRE. But this is not enough. We must also get the work done elsewhere, when it should be done.

With respect to the State Department, it seems to me that there are many foreign area research projects which should be looked into by some of their best minds, projects that would be of interest to the Senator as chairman of the Committee on Foreign Relations. All I am saying is that the Defense Department's research program in this area has been cut back properly and that in the future we must work together to increase State Department Foreign area research efforts.

I am saying we need the Senator's help, whether it is an ongoing study on the Soviet Union, or the Red Chinese, or something else. The Senator should be pushing for these studies.

Mr. FULBRIGHT. When the Senator referred to on going studies of the Red Chinese and Russia, that is an area I agree should be pursued.

Mr. MCINTYRE. Can the Senator tell me if the State Department is actually conducting such a study?

Mr. FULBRIGHT. I do not know. They have a policy planning staff and they have a research bureau, but both are quite small. The funds for outside research are very limited, as I have stated. If the operation were given more attention by the head of the State Department they could do a better job.

The Senator also knows the State Department has suffered a considerable decrease in responsibility with the development of the White House National Security Council staff. I think it has suffered a decrease in its own assurance capacity to exert itself. It is not a new development. In the preceding administration there developed the idea that the State Department is not as effective as it should be. I think many people over there felt they were being bypassed.

If one reads the press today it is common gossip among many journalists that Mr. Kissinger is really the ~~Apparatus for Release of CIA-RDP72-00337R000400110033-7~~ taxpayers have paid. Just recently I received a letter from a man in Thailand who said:

play a major role and that the State Department really survives by sending ambassadors abroad and giving receptions, and so on. I do not subscribe to that theory.

I have great respect for the Secretary of State, although I do not know how his influence compares to that of Dr. Kissinger. I do not wish to go off on a tangent.

But there is a research agency in the State Department and it is the office which should have the responsibility and the funds for carrying out this type of research. It is the agency that is responsible to Congress, contrary to Mr. Kissinger's operation at the White House, which takes the position that they are immune to coming before Congress and talking about or discussing foreign policy.

So we have a situation that is very serious. I would like to rebuild the prestige and the functions of the State Department. I think what the Senator suggested goes in that direction. His attitude has been highly sympathetic to that in the past. I think it is very important that the civilian aspect of our foreign policy be emphasized. That is what this amendment is all about.

I appreciate what the Senator has done and his openminded attitude about the problem.

I would hope that as a result of this discussion and what has happened, the State Department would reemphasize the position of the research operation and the policy planning staff, and give them more money, as the Senator suggests.

The Senator and I are in complete agreement. I, too, hope that the State Department will begin to expand its activities in this area.

I see the Senator from Mississippi is here. I would like to turn to section (b) of the amendment. It was my understanding that the chairman of the full committee was agreeable to accepting this part of the amendment provided some minor modifications were made.

Mr. President, I yield at this time to the Senator from Mississippi (Mr. STENNIS) on section (b) of the amendment with which he is familiar.

Mr. STENNIS. Mr. President, if the Senator from Arkansas will yield to me, is this his modified amendment No. 814?

Mr. FULBRIGHT. That is correct.

Mr. STENNIS. This is the amendment we discussed a few weeks ago.

Mr. FULBRIGHT. That is correct. I confined it to the two committees that the Senator referred to.

Mr. STENNIS. Yes. As I understand it, the Senator has plainly excepted from the requirement anything about the President's exercising the right of executive privilege. That is what the Senator intended to do?

Mr. FULBRIGHT. Yes; that is explicit in the language.

Mr. President, while the Senator is considering that, I wanted to add a few words about the second section. It has become almost impossible to obtain the result of much of the research for which, man in Thailand who said:

August 28, 1970

CONGRESSIONAL RECORD — SENATE

I am writing to suggest that the work of the Committee on Foreign Relations might be assisted by reading a study prepared for OSD/ARPA by the Research Analysis Corporation of McLean, Virginia, titled "A History of Insurgency and Counterinsurgency in Thailand." The report is classified Secret. It is my strong belief that more informed policy-makers make more informed policies, and therefore I feel it would be very much in the national interest of the United States for your committee to study this report. I mention this only because of the possibility that through some oversight members of the Executive Branch may have failed to bring this very detailed and extensive study to your attention.

He goes on to say:

May I in return ask for one small accommodation, namely that my name not be used in connection with your request for this document (assuming you have not seen it). The title of this document is unclassified, so there is no reason why I should not mention it to you in an open letter. However I have noted a certain sensitivity in Washington, Saigon and Bangkok when your name comes up.

I think two things are to be said about the letter. First, this man, obviously an honest man, no longer feels free to speak openly, because of possible retaliation that he may suffer. So I feel constrained not to give the man's name in public, although the Senator from New Hampshire is free to see the letter. I just do not want to prejudice the writer in any way.

We made a request to the Defense Department for the study, which was paid 100 percent by the taxpayers' money. In response to that request we received a letter from Dr. Foster saying "no" which was classified "confidential." I do not know how absurd one can get. They have gone so far as to classify a letter that says, "No, we will not give you the report." That is what it says here. It says, "This is a report which is limited to internal distribution," and then they mark that letter "confidential."

I do not know how much more absurd one can get in abusing the power of classification than to classify a letter saying "No, you cannot have the document," but which I think, under any democratic processes, ought to be made available to my committee.

That is what the second part of the amendment which the Senator from Mississippi is considering deals with. I think they have carried this matter to an absolute absurdity. I do not see how the committees of the Congress can be expected to function effectively if all these papers that are considered research papers are unavailable for the consideration of the Senate or the committees.

Mr. MCINTYRE. Mr. President, the chairman of the Committee on Armed Services and I find ourselves in sympathy with that portion of the amendment offered by the distinguished Senator from Arkansas provided that it can be restricted so as to apply to the Armed Services Committee and the Committee on Foreign Relations of the Senate and the Armed Services Committee and the Committee on Foreign Affairs of the House. If the Senator from Arkansas is willing to modify the amendment to that extent, it is my understanding we are willing to accept the amendment as modified.

Mr. FULBRIGHT. Mr. President, I send to the desk a modification of my amendment No. 814 and ask to have it stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The assistant legislative clerk read the modified amendment as follows:

Strike out subsections (a) and (b) of the amendment and insert a new subsection (a) as follows:

"Sec. 206 (a) The head of any department or agency of the Federal Government shall, in response to any request made to him in writing by the Senate Committee on Armed Services, the Senate Committee on Foreign Relations, the House Committee on Armed Services, or the House Committee on Foreign Affairs, promptly submit to such committee a copy of any report, study, or investigation requested by such committee if the report, study, or investigation was financed in whole or in part with Federal funds and was made by a person outside the Federal Government, except that this requirement shall not apply in the case of any report, study, or investigation with respect to which the President exercises the right of executive privilege."

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. FULBRIGHT. I yield.

Mr. STENNIS. Mr. President, I have always thought it was our duty to protect the right of executive privilege. I think it is the duty of the Executive to respect our privileges. I think that privilege is spelled out in the amendment for the committees that have direct jurisdiction.

We discussed this matter last year with the Senator from Arkansas and worked on it somewhat then. I think we ought to accept the amendment and take it to conference and see what we can work out on it with our conferees from the House. I am delighted to do that. That is my studied opinion of it.

Mr. MCINTYRE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. MCINTYRE. It is also my understanding that the modification would delete that section marked (a) in the original amendment. Is that correct?

Mr. FULBRIGHT. It does.

I want to thank the Senator from Mississippi and the Senator from New Hampshire. I think this may be a small part of the overall effort of Congress to play a more significant, and I would think more constructive, role in the formulation of our national policies, especially in the field of foreign affairs.

We are subject to criticism in the press all the time to the effect that "Congress does not do this" and "Congress does not do that," but I assure Senators that Congress cannot perform its functions when we are not allowed to get the basic research—and it is about the only basic research that is being conducted, as the Senator has already said—but are met with a classification of documents which I do not think have the slightest thing to do with military affairs. I refer, for example, to the study that Dr. Foster just refused to let us have. Apparently we were turned down on the pretext of protecting the sensitivity of some people with whom we have relations. But, after all, Congress has some responsibilities.

So I appreciate the attitude of the Senator from Mississippi, and I hope he will insist upon this amendment in conference.

Mr. President, I am ready for the vote. I move the adoption of the amendment, as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. FULBRIGHT. Mr. President, I have another amendment which I did intend to offer today, but, by agreement with the various people concerned, the Senator from Mississippi and others, I shall not offer it until next Tuesday, at which time the Senator from West Virginia has informed me that he has reserved the time for a vote on it, with a 40-minute limitation. Is that correct?

Mr. BYRD of West Virginia. If the Senator will yield, let me get that request in right now.

Mr. FULBRIGHT. I do wish, very briefly, to explain what it is, after the Senator—

Mr. BYRD of West Virginia. I will make the request later, then.

Mr. FULBRIGHT. All right. I will just make the statement now, and the Senator can make his arrangement a little later.

This is a very brief amendment, and I wanted to explain at this time what it is intended to do. The amendment concerns section 501 of the bill.

I ask unanimous consent that I may yield to the Senator from West Virginia without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have cleared this request with the principal parties involved—the author of the amendment, the manager of the bill, the assistant minority leader, the majority leader—and other interested Senators.

I ask unanimous consent that, on Tuesday next, the controlled time on the Muskie amendment be limited and reduced from 3 hours to 2½ hours, beginning immediately following the vote on the Proxmire amendment with regard to draftees; and that, at the conclusion of the vote on the Muskie amendment, the amendment to be offered by the able Senator from Arkansas (Mr. FULBRIGHT) be laid before the Senate and made the pending business, and that there be a time limitation on the Fulbright amendment of 40 minutes, to be equally divided between and controlled by the author of the amendment and the manager of the bill; and that, at the conclusion of the 40 minutes, a vote occur on the amendment to be offered by the Senator from Arkansas (Mr. FULBRIGHT).

That, immediately following the vote on the amendment by the Senator from Arkansas (Mr. FULBRIGHT) the vote occur on the Muskie amendment, as amended, after which the bill be read a third time and there be one-half hour of controlled time on the bill, at the con-